

**A SUBSTITUTE RESOLUTION
BY FINANCE EXECUTIVE COMMITTEE**

06-R-1859

A RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ENTER INTO AN 800 MHz WAVE 3, STAGE 1 RECONFIGURATION AGREEMENT, AS MANDATED BY THE FEDERAL COMMUNICATIONS COMMISSION, WITH SPRINT NEXTEL FOR THE REIMBURSEMENT OF COSTS AND DIRECT PAYMENT OF VENDORS ASSOCIATED WITH THE RECONFIGURATION OF THE CITY'S 800 MHz RADIO SYSTEM; AND FOR OTHER PURPOSES.

WHEREAS, the Federal Communications Commission ("FCC") issued several regulatory orders regarding the reconfiguration of all radio frequencies operating in the 800 MHz band; and

WHEREAS, the purpose of the FCC orders is to reorganize the 800 MHz band in a way that minimizes harmful interference to public safety radio communication systems in the 800 MHz band; and

WHEREAS, the FCC orders modified rules governing the 800 MHz band and mandated that all 800 MHz radio licensees negotiate a reconfiguration agreement with Sprint Nextel to have their radio frequencies relocated to another part of the 800 MHz band, thereby minimizing harmful interference to public safety radio communication systems in the 800 MHz band; and

WHEREAS, pursuant to the FCC orders, the City and Sprint Nextel have reached an agreement for the reimbursement of costs and for the direct payment of vendors necessary to reconfigure the City's radio system for Wave 3, Stage 1.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor or the Mayor's designee is authorized to execute an appropriate 800 MHz Wave 3, Stage 1 Reconfiguration Agreement with Sprint Nextel for the reimbursement of costs and for the direct payment of vendors necessary to reconfigure the City's affected 800 MHz frequencies and equipment.

BE IT FURTHER RESOLVED, that the term of the Agreement will extend until all necessary reconfiguration activity is complete for Wave 3, Stage 1 and closing documents for the agreement are complete.

BE IT FURTHER RESOLVED, that the Agreement will not be binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Sprint Nextel.

BE IT FINALLY RESOLVED, that all funds shall be deposited to Fund Account and Center number 1A01 469106 B00001 (General Fund/Recover Purchases/Direct EXP).